

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

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| DARRIUS L. HIGGINS, SR., |) | |
| |) | Case No. 1:25-cv-142 |
| <i>Plaintiff,</i> |) | |
| |) | Judge Travis R. McDonough |
| v. |) | |
| |) | Magistrate Judge Michael J. Dumitru |
| TIM DEMPSEY, <i>et al.</i> , |) | |
| |) | |
| <i>Defendants.</i> |) | |
| |) | |
| |) | |

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| DARIUS L. HIGGINS, SR., |) | |
| |) | Case No. 1:25-mc-25 |
| <i>Plaintiff,</i> |) | |
| |) | Judge Travis R. McDonough |
| v. |) | |
| |) | Magistrate Judge Michael J. Dumitru |
| LIZ LUPTON, <i>et al.</i> , |) | |
| |) | |
| <i>Defendants.</i> |) | |
| |) | |
| |) | |

ORDER

Before the Court is Magistrate Judge Michael J. Dumitru’s report and recommendation that Plaintiff Darius L. Higgins’s claims in both Case Nos. 1:25-cv-142 and 1:25-mc-25 be dismissed as frivolous. (Doc. 12 in Case No. 1:25-cv-142; Doc. 5 in Case No. 1:25-mc-25.) Additionally, Judge Dumitru recommends that “Plaintiff be enjoined from making further filings in this Court without obtaining prior approval, consistent with the Court’s prior, explicit warning in Case No. [1:24-cv-377].” (Doc. 12, at 2 in Case No. 1:25-cv-142.)

Specifically, Judge Dumitru found that Case Nos. 1:25-cv-142 and 1:25-mc-25 were “nothing more than a continuation of [Plaintiff’s] prior frivolous claims.” (*Id.* at 3.) “In the prior cases [Case Nos. 1:24-cv-297 and 1:24-cv-377], Plaintiff attempted to sue two entire families . . . without identifying any particular members of the families as defendants.” (*Id.*) Plaintiff’s prior suits consisted of “vague allegations” regarding stolen property and money, as well as incoherent allegations of mind control, surveillance, and “Birthright Funds.” (*Id.* at 3–4.) Judge Dumitru found the claims in the current cases to be “strikingly similar.” (*Id.* at 4.) Judge Dumitru ultimately concluded that the present cases should be dismissed. (*Id.* at 6.) Further, he concluded that “[s]ignificant public resources have already been wasted addressing Plaintiff’s lawsuits,” and that “it is appropriate to recommend that Plaintiff be enjoined from making further filings in this Court without obtaining prior approval.” (*Id.* at 5.) In reaching this conclusion, Judge Dumitru found that “no other means of addressing Plaintiff’s conduct would be adequate to prevent Plaintiff from wasting even more public resources,” as “the prior warning in Case No. [1:24-cv-377] had no deterrent effect.” (*Id.*)

In his report and recommendation, Judge Dumitru explicitly advised the parties that they had 14 days to object to his findings. (*See id.* at 6 n.4.) No party has filed a timely objection.

The Court agrees with Judge Dumitru’s well-reasoned conclusions. Accordingly, it hereby **ACCEPTS** and **ADOPTS** Judge Dumitru’s report and recommendation (Doc. 12 in Case No. 1:25-cv-142; Doc. 5 in Case No. 1:25-mc-25). Plaintiff’s claims are **DISMISSED** and his motions in Case No. 1:25-cv-142 (Docs. 1, 7) are **DENIED AS MOOT**. The Clerk is **DIRECTED** to **CLOSE** Case Nos. 1:25-cv-142 and 1:25-mc-25.

Darius L. Higgins, Sr. is hereby **PERMANENTLY ENJOINED** from filing any new petitions or complaints in this Court or from making any new filing in any cases that have been

closed without first seeking and obtaining the Court's permission to file. To obtain the Court's permission to file, Darius L. Higgins, Sr. **MUST** submit to the Court:

1. A copy of the proposed petition, complaint, or document to be filed.
2. A "Motion Pursuant to Court Order Seeking Leave to File," which must include as exhibits:
 - a. A copy of this Order;
 - b. A declaration prepared pursuant to 28 U.S.C. § 1746, or a sworn affidavit, certifying that:
 - i. The petition, complaint, or other document raises a new issue which has never been previously raised by Darius L. Higgins, Sr. in this or any other court;
 - ii. The claims asserted in the petition, complaint, or other document are not frivolous; and
 - iii. The petition, complaint, or other document is not filed in bad faith.
 - c. A statement that lists:
 - i. The full caption of each and every suit that has been previously filed by Darius L. Higgins, Sr. or on his behalf in any court against each and every defendant named in any new suit he wishes to file; and
 - ii. The full caption of each and every suit that he has filed that is currently pending.

The Clerk's Office shall identify **Darius L. Higgins, Sr.** as a **RESTRICTED FILER** in CM/ECF and shall reject any proposed filings by Darius L. Higgins, Sr. that do not contain the required Motion to Pursuant to Court Order Seeking Leave to File and required exhibits. The

Court may deny any motion for leave to file if the proposed filing is frivolous, vexatious, or harassing, or otherwise fails to comply with this Order. If the motion is denied, the document shall not be filed and will be returned to Darius L. Higgins, Sr.

Additionally, any case that is transferred to this Court from another jurisdiction will be automatically stayed pending a review by the Court. The Clerk's Office shall automatically enter the stay upon removal. The Court may dismiss any transferred case if the case appears frivolous, vexatious, harassing, or otherwise lacks merit. No filings by the enjoined litigant will be accepted in the transferred case until the Court reviews the proposed action. The Court may dismiss any action initiated by the inadvertent filing by the Clerk's Office of any document submitted by Darius L. Higgins, Sr. that has not been approved for filing in compliance with this Order. A failure to comply with this Order may lead to further sanctions.

SO ORDERED.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**